

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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PUES FAMILY TRUST IRA, by Michael Pues
Executor of the Estate,
Plaintiff,

ORDER
11-cv-5537 (ADS) (SIL)

-against-

PARNAS HOLDINGS INC., and LEV
PARNAS, Individually,
Defendants.

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APPEARANCES:

Hantman & Associates

Attorneys for the Plaintiff

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Shirin Movahed, Esq., Of Counsel

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Attorneys for the Defendants

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By: Richard L. Yellen, Esq.
Brendan C. Kombel, Esq., Of Counsel

SPATT, District Judge.

On November 14, 2011, the Plaintiff Pues Family Trust IRA by Michael Pues Executor of the Estate (the “Plaintiff”) commenced this action against the Defendants Parnas Holdings Inc. and Lev Parnas, individually, (collectively, the “Defendants”) to recover damages based on the alleged misappropriation of a \$350,000 loan that the Plaintiff purportedly made to the Defendants to finance a movie project.

The Plaintiff asserts six claims against the Defendants: (i) breach of contract; (ii) fraudulent inducement of contract; (iii) conversion; (iv) fraud; (v) prima facie tort; and (vi) unjust enrichment.

From April 27, 2015 to April 29, 2015, the Court held a bench trial. On April 29, 2015, at the close of the bench trial, the Court directed the Plaintiff to submit its post-trial motion by May 25, 2015; the Defendants to submit response papers by June 16, 2015; and the Plaintiff to submit reply papers by June 23, 2015. (Dkt. No. 43.)

On May 11, 2015, the Court issued an electronic order clarifying that the parties are directed to file their post-trial papers in the form of proposed findings of fact and conclusions of law, not to exceed thirty pages without express approval of the Court. The Court further noted that “the previous briefing schedule established by the Court remains in effect.”

The May 25, 2015 deadline for the Plaintiff to file its proposed findings of fact and conclusions of law has passed. The Plaintiff has not filed proposed findings of fact and conclusions of law, nor has it requested an extension of the briefing schedule established by the Court.

Accordingly, the Court directs the Plaintiff to file a status report as to its post-trial papers on or before May 29, 2015.

The Court notes that the Plaintiff has already failed to comply with a Court Order and that further failures could result in, among other things, dismissal of its claims pursuant to Federal Rule of Civil Procedure (“Fed. R. Civ. P.”) 41(b). See Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); LeSane v. Hall's Sec. Analyst, Inc., 239 F.3d 206, 209 (2d Cir. 2001) (“[I]t is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff's case *sua sponte* for failure to prosecute[.]”) (citing Link v. Wabash R.R. Co., 370 U.S. 626, 630, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962))

SO ORDERED.

Dated: Central Islip, New York
May 27, 2015

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge